

REMARKS/ARGUMENTS

The Applicant's representative would like to thank Examiner Reese and his Supervisor Robert Sandy for the courtesy and professionalism exhibited at the personal interview conducted on June 9, 2008. After discussion, it was agreed by the Examiner at this time that amending independent claim 14 to read: "said outer ribbed surface including at least one peak and at least one valley constructed and arranged to extend non-helically around said outer ribbed surface on an independent plane that is substantially perpendicular to said central axis" successfully differentiates the claimed invention from the prior art of Wu et al.

Claims 1-5,10,13-14,17 and 19-26 remain in this application.

Claims 6-9,11-12,15-16 and 18 have been cancelled.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 6-9,11-12,15-16 and 18 in a divisional application.

In response to the Office Action of **January 7, 2008**, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Rejections under 35 USC 102(b)

Claims 1-5,10,17 and 26 stand rejected under 35 USC 102(e(1)) as anticipated by Wu et al. US 2004/0260283, the Examiner's position is respectfully traversed.

Claims 1, 14 and 26 have been amended to further define that the peaks and valleys extend **non-helically** around the outer surface of the collet member. In particular, claims 1 and 26 now include a collet member having a base end, a top end, an inner engaging surface, and an outer ribbed surface positioned about a central axis, said outer ribbed surface including at least one peak and at least one valley, each of said at least one peak and said at least one valley constructed and arranged to extend non-helically around said outer ribbed surface on an independent plane that is substantially perpendicular to said central axis.

Wu et al. discloses a pedicle screw that includes a U-shaped saddle having internal and external threads extending along the internal and external surfaces thereof for engagement with a set screw and an external nut.

It is well established that in order for a claim to be anticipated each and every element as set forth in the claim must be found, either expressly or inherently described in a single prior art reference (see MPEP 2131). Wu. Does not teach or suggest a collet member that includes **non-helical peaks and valleys** that

cooperate with a linearly traversable compression ring. Both the set screw and the nut of Wu require the use of helical threads and rotation for causing traversal of the set screw or nut. Therefore, the Applicant requests that this rejection be removed and the claims be allowed to issue. Claims 5,10 and 17 depend from independent claim 1 and should also be in condition for allowance.

Rejection under 35 USC 103(a)

Claim 14 stands rejected under 35 USC 103(a) as being unpatentable over Wu et al US 2004/0260283, the Examiner's position is respectfully traversed.

During the personal interview conducted on June 9, 2008 the Wu reference was discussed with respect to the limitations of the current claims. After discussion, it was agreed that amending independent claim 14 to read in part: "said outer ribbed surface including at least one peak and at least one valley, each of said at least one peak and said at least one valley constructed and arranged to extend non-helically around said outer ribbed surface on an independent plane that is substantially perpendicular to said central axis" would successfully differentiate the claimed invention from the prior art of Wu et al. Therefore, claim 14 has been amended to include this language and is believed to be in condition for allowance.

Appl. No. 10/618,689 Reply to Office Action of January 7, 2008

Claims 19-25 stand rejected under 35 USC 103(a) as being unpatentable over Wu et al US 2004/0260283, the Examiner's position is respectfully traversed.

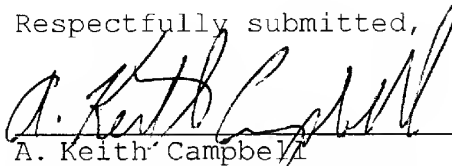
Claims 19-25 depend from amended claim 1. Claim 1 now includes the limitation regarding the ribbed surface of claim 14 and is believed to be in condition for allowance. It is therefore believed that claims 19-25 should also be in condition for allowance.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested. Should there be any remaining issues which can be resolved via an Examiner's Amendment; the Examiner is urged to call the undersigned in order to expedite the prosecution of this application.

The Commissioner for Patents is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayments in any fees paid on the filing to Deposit Account No. 13-0439.

Respectfully submitted,



A. Keith Campbell
Registration No. 52,686

McHale & Slavin, P.A.
2855 PGA Boulevard
Palm Beach Gardens, FL 33410
(561) 625-6575 (Voice)
(561) 625-6572 (Fax)